

TROY LAW, PLLC

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June 4, 2021

Via ECF

Hon. Debra C. Freeman, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Request on Consent for Close of Discovery in this Action
Jinxu Chen v. L & H Wine and Liquor, Inc., et al, 19-cv-06115

Your Honor,

This office represents the plaintiff in the above-captioned matters. We write respectfully on consent with defense counsel, to request close of discovery in this matter and proceeds this to the trial, which is currently scheduled on November 29, 2021, pursuant to Honorable District Judge Paul G. Gardephe's Order dated February 24, 2021. *See* Dkt. No. 29.

On February 25, 2021, a telephone status conference was held before Your Honor, and Your Honor granted Defendants' counsel's request to reopen discovery to conduct deposition of Plaintiff within three weeks (21 days), and to confer in good faith about date and time, if Plaintiff has no availability between February 25 and March 19, 2021.

Due to Plaintiff's unavailability within the time range, on March 17, 2021 the parties confirmed to conduct the deposition on April 05, 2021 and agreed to further confer with the starting time of deposition on that day.

On April 02, 2021, however, Defendants' counsel emailed the undersigned office to cancel the scheduled deposition because he has been sick since March 31, 2021, and promised to reach out the undersigned office to meet and confer for alternative dates soon. The undersigned office did not hear back from Defendants' counsel ever since.

On June 03, 2021, the undersigned office emailed Defendants' counsel, kindly reminding that 60 days had been past regarding rescheduling deposition of Plaintiff, indicating our intention to request to the Court for conclusion of discovery in this matter, and offering to meet and confer on this matter to resolve possible dispute, if any.

On the same day, Defendants' counsel replied via email, consented to waiver of deposition of Plaintiff and the close of discovery in this action, and demanded a copy of transcript of Plaintiff's deposition of the Defendants. Plaintiff emailed back to confirm Defendants' consent to

Hon. Debra C. Freeman, U.S.M.J.

June 4, 2021

1:19-cv-06116 *Jinxu Chen v. L & H Wine and Liquor, Inc., et al*

Page 2 of 2

the close of discovery and agreed to Defendants' counsel's request for the copy of transcripts of the deposition.

For the foregoing reasons, the parties respectfully request Your Honor's permission to close the discovery in this action and smoothly proceed this case to trial.

We thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/ John Troy

John Troy

Attorney for Plaintiff

cc: via ECF
all counsel of record

/ecy

Discovery in this action is closed. The parties are directed to comply with Judge Gardephe's Individual Rules with respect to trial.

SO ORDERED



DEBRA FREEMAN

United States Magistrate Judge

Dated: 6/5/2021